

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Michael D. James, #294004)	
)	
Plaintiff,)	
)	
vs.)	Case No. 9:15-cv-00625-TLW
)	
Leroy Cartledge, Warden; Scott Lewis,)	
Assistant Warden of Security; NFN)	ORDER
Mursier, Major of Secuirty; and Officer)	
Goble,)	
)	
Defendants.)	
)	

Plaintiff Michael D. James, proceeding pro se and in forma pauperis, filed this civil action pursuant to 42 U.S.C. § 1983. (ECF No. 1.) This matter is now before the Court for review of the Report and Recommendation (“the Report”) filed on March 2, 2016 by United States Magistrate Judge Bristow Merchant, to whom this case was assigned pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.). In the Report, the Magistrate Judge recommends that this Court grant summary judgment and dismiss the Complaint. (ECF No. 46.) Plaintiff filed Objections to the Report on March 16, 2016, (ECF No. 48), and Defendants filed their Reply to the Objections on March 18, 2016, (ECF No. 49). This matter is now ripe for decision.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that Report. 28 U.S.C. § 636. In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those

portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in Wallace, the Court has carefully reviewed the Report, the Plaintiff's objections, relevant filings, and applicable law and concludes that the Magistrate Judge accurately summarized the applicable law. Although the Court notes that Plaintiff was gravely injured, his allegations do not rise to the level of an Eighth Amendment violation. It is therefore **ORDERED** that the Magistrate Judge's Report and Recommendation (ECF No. 46) is **ACCEPTED**. For the reasons articulated by the Magistrate Judge, this action is **DISMISSED**.

IT IS SO ORDERED.

s/ Terry L. Wooten

Chief United States District Judge

April 11, 2016
Columbia, South Carolina